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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/632,690	08/01/2003	David Fusari	S1389.70015US00	3636

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EXAMINER
SWEARINGEN, JEFFREY R

ART UNIT	PAPER NUMBER
2445	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	10/632,690	FUSARI, DAVID
	Examiner	Art Unit	
	Jeffrey R. Swearingen	2445	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>17 February 2009</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-53</u> is/are pending in the application.

　　4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-53</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

　　Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

　　Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

　　a)☐ All   b)☐ Some * c)☐ None of:

　　　1.☐ Certified copies of the priority documents have been received.

　　　2.☐ Certified copies of the priority documents have been received in Application No. _____.

　　　3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

　　* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1.   A request for continued examination under 37 CFR 1.114, including the fee set

forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this

application is eligible for continued examination under 37 CFR 1.114, and the fee set

forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action

has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on

1/14/2009 has been entered.

Response to Arguments

2.   Applicant's arguments with respect to claims 1-41 have been considered but are

moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

4.   Claims 1, 4-9, 11, 13, 16-21, 23, 25, 27-32, 34, 36-53 are rejected under 35

U.S.C. 103(a) as being unpatentable over Underwood (US 7,100,195) in view of "The

Clinical Context Object Workgroup: Its Standard and Methods", Clinical Context Object

Working Group (hereafter 'CCOW'), February 16, 1998.

5.   Claim 1 claims a method occurring in a system comprising a first client, a context

management server, a remote application server, and a network, where the remote

application server executes a remote application, the client executes a client application sharing a context with the remote application, the client emulating the remote application, and the context management server managing the context. The steps involve *receiving from the first client first information that uniquely identifies an aspect of the first client; receiving from the remote application server second information that uniquely identifies an aspect of a remote client on which the at least one remote application is emulated via an emulation client program which executes on the remote client and displays output of the at least one remote application executing on the remote application server; determining that the at least one remote application is emulated on the first client and may belong to the context when the first information matches the second information; and if it is determined that the at least one remote application is emulated on the first client, allowing the at least one remote application and the at least one client application to belong to the context, the context being defined by subject data for at least one subject usable by the at least one client application and the at least one remote application, the subject data comprising, for the at least one subject, a data item having a set of values comprising at least a first value corresponding to the at least one client application and at least a second value corresponding to the at least one remote application, the set of values identifying the at least one subject in the context, so that a change to the subject data for the at least one subject instigated by one of the at least one client application and the at least one remote application causes a change in the subject data for the other of the at least one client application and the at least one remote application.*

6.   Underwood disclosed authentication of a user. Underwood, column 2, line 15,

lines 23-25, column 110, lines 13-48. Underwood disclosed a client based eCommerce

solution which used a data warehouse to distribute information with third party

applications executing on clients. Underwood, column 10, lines 8-23. Underwood

implemented the Underwood invention using HTML over the WWW. Underwood,

column 15, lines 50-56. The Underwood invention used locking procedures to prevent

accidental changing of data in a multi-user environment. Underwood, column 28, lines

6-23. Underwood used a web server to deploy NetCentric applications over a network.

Underwood, column 116, lines 54-60. Underwood shared information between Web

pages and across programs to manage the context on a server. Underwood, column

121, lines 39-54.

7.   Underwood failed to disclose the emulation abilities of Applicant's claims.

8.   The Clinical Context Object Working Group disclosed the use of a context

manager to coordinate information on a patient's context. CCOW, page 8. The context

integration took place on a remote server. CCOW, page 8, Figure 2. The client was

able to remotely emulate an application running on a server. CCOW, page 8, Figure 2,

"The Clinical Applications", where the lines clearly show a link between the applications

and the remote server. The context manager maintains an "authentic" copy of the

context data. CCOW, page 13, "Context Data Representation and Access." Multiple

Identifiers were used in the context. CCOW, Page 14, Table 4, "Multiple Patient

Identifiers".

9.   Applicant admitted in the originally filed specification, page 4, lines 26-31, that CCOW supported context sharing on "applications executed on a remote server and emulated on a client."

10.   CCOW gave motivation for the combination on page 2…"When each application system had its own users on its own terminals, database synchronization was the primary problem." Underwood echoed this concern. Underwood, column 28, lines 9-11, "Locking prevents the common problem of lost updates from multiple users updating the same record." Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to combine the Underwood invention with the CCOW standards in order to allow multiple users in a distributed system to access data records without having changes accidentally erased by the distributed users.

11.   Claim 4 consists of substantially the same features as claim 1. The use of the emulation client in claim 4 is taught as described in CCOW and Applicant's admission in the specification that CCOW supports emulation, as described in paragraphs 8-10 of this office action.

12.   In regard to claim 5, Underwood further disclosed *each client that emulates a remote application executing on the at least one remote application server logs into the remote application server using login information, wherein the first information comprises the login information for the client on which the first remote application is emulated and the second information comprises the login information for the client on which the second remote application is emulated.* Underwood, column 110, lines 15-48

13.   In regard to claim 6, Underwood further disclosed *the login information comprises a user identifier.* Underwood disclosed that the use of user IDs to login was a common practice in column 110, lines 15-19.

14.   In regard to claim 7, Underwood further disclosed *an act of (e) receiving from the same client information that uniquely identifies the aspect of the client identified by the first information in the act (a) and information that uniquely identifies the aspect of the client identified by the second information in the act (b); and wherein the act (c) comprises an act of determining that the first and second remote applications are emulated on the same client when the information received in the act (e) matches the first and second information.* Underwood, column 110, lines 15-48.

15.   In regard to claim 8, CCOW further disclosed *the act (c) comprises determining that the first and second remote applications are emulated on the same client and may belong to the same context when the first information matches the second information.* CCOW, page 17

16.   In regard to claim 9, Underwood further disclosed *the first information comprises an address of the client on which the first remote application is emulated and the second information comprises an address of the client on which the second remote application is emulated.* Underwood, column 110, lines 15-48

17.   In regard to claim 11, Underwood further disclosed *the first information further comprises an address of the client on which the first remote application is emulated and the second information further comprises an address of the client on which the second remote application is emulated.* Underwood, column 110, lines 15-48

18.   Claim 13 is substantially the same as claim 4.

19.   Claim 16 is substantially the same as claim 4, but uses a plurality of servers instead of a single server. It would have been obvious to one of ordinary skill in the art at the time of invention to use multiple servers in a distributed computing network to allow for redundancy.

20.   In regard to claim 17, Underwood further disclosed *each client that emulates a remote application executing on the at least one remote application server logs into the remote application server using login information, wherein the first information comprises the login information for the client on which the first remote application is emulated and the second information comprises the login information for the client on which the second remote application is emulated.* Underwood, column 110, lines 15-48

21.   In regard to claim 18, Underwood further disclosed *the login information comprises a user identifier.* Underwood disclosed that the use of user IDs to login was a common practice in column 110, lines 15-19.

22.   In regard to claim 19, Underwood further disclosed *an act of (e) receiving from the same client information that uniquely identifies the aspect of the client identified by the first information in the act (a) and information that uniquely identifies the aspect of the client identified by the second information in the act (b); and wherein the act (c) comprises an act of determining that the first and second remote applications are emulated on the same client when the information received in the act (e) matches the first and second information.* Underwood, column 110, lines 15-48

23.   In regard to claim 20, CCOW further disclosed *the act (c) comprises determining*

that the first and second remote applications are emulated on the same client and may

belong to the same context when the first information matches the second information.

CCOW, page 17

24.   In regard to claim 21, Underwood further disclosed *the first information*

comprises an address of the client on which the first remote application is emulated and

the second information comprises an address of the client on which the second remote

application is emulated. Underwood, column 110, lines 15-48

25.   In regard to claim 23, Underwood further disclosed *the first information further*

comprises an address of the client on which the first remote application is emulated and

the second information further comprises an address of the client on which the second

remote application is emulated. Underwood, column 110, lines 15-48

26.   Claim 25 is substantially the same as claim 4.

27.   Claim 27 is substantially the same as claim 16.

28.   In regard to claim 28, Underwood further disclosed *each client that emulates a*

remote application executing on the at least one remote application server logs into the

remote application server using login information, wherein the first information

comprises the login information for the client on which the first remote application is

emulated and the second information comprises the login information for the client on

which the second remote application is emulated. Underwood, column 110, lines 15-48

29.   In regard to claim 29, Underwood further disclosed *the login information comprises a user identifier.* Underwood disclosed that the use of user IDs to login was a common practice in column 110, lines 15-19.

30.   In regard to claim 30, Underwood further disclosed *the controller further receives from the same client information that uniquely identifies the aspect of the client identified by the first information, information that uniquely identifies the aspect of the client identified by the second information, and determines that the first and second remote applications are emulated on the same client when the information received matches the first and second information.* Underwood, column 110, lines 15-48

31.   In regard to claim 31, CCOW further disclosed *the controller determines that the first and second remote applications are emulated on the same client and may belong to the same context when the first information matches the second information.* CCOW, page 17

32.   In regard to claim 32, Underwood further disclosed *the first information comprises an address of the client on which the first remote application is emulated and the second information comprises an address of the client on which the second remote application is emulated.* Underwood, column 110, lines 15-48

33.   In regard to claim 34, Underwood further disclosed *the first information further comprises an address of the client on which the first remote application is emulated and the second information further comprises an address of the client on which the second remote application is emulated.* Underwood, column 110, lines 15-48

34.   In regard to claim 36, CCOW further disclosed *(e) if it is determined in the act (c)*

that the at least one remote application is not emulated on the first client, preventing the

at least one remote application and the at least one client application from belonging to

the context. CCOW, page 17

35.   In regard to claim 37, CCOW further disclosed *(f) if it is determined in the act (c)*

that the first and second remote applications are not emulated on the same client,

preventing the first and second remote applications from belonging to the same context.

CCOW, page 17

36.   Claim 38 is substantially the same as claim 36.

37.   Claim 39 is substantially the same as claim 37.

38.   Claim 40 is substantially the same as claim 36.

39.   Claim 41 is substantially the same as claim 37.

40.   In regard to claims 42, 44, 46, 48, 50, 52 CCOW disclosed *the context is*

administered in accordance with a Clinical Context Object Workgroup (CCOW)

standard. CCOW is the *CCOW standard.*

41.   In regard to claims 43, 45, 47, 49, 51, 53 CCOW disclosed *at least a portion of*

the subject data is healthcare-related. "The Clinical Context Object Workgroup (CCOW)

publishes standards for the visual integration of cooperative interaction among

independently authored healthcare applications at the point of use." CCOW, page 1,

Introduction.

42.   Claims 2, 3, 14, 15, and 26 are rejected under 35 U.S.C. 103(a) as being
unpatentable over Underwood in view of CCOW as applied to claims 1, 13, 25 above,
and further in view of Sistanizadeh et al. (US 5,790,548).

43.   In regard to claims 2, 3, 14, 15, 26, Underwood disclosed authentication of a
user. Underwood, column 2, line 15, lines 23-25, column 110, lines 13-48. Underwood
failed to disclose authentication by a hardware address. Sistanizadeh disclosed using a
MAC address to authenticate a computer. Sistanizadeh, column 12, lines 9-20. It
would have been obvious to one of ordinary skill in the art at the time of invention to
authenticate a computer using a hardware address such as a MAC address since MAC
addresses are unique and commonly used in network transactions.

44.   Claims are rejected under 35 U.S.C. 103(a) as being unpatentable over
Underwood in view of CCOW as applied to claims 8, 6, 20, 18, 33, 35 above, and
further in view of Win et al. (US 6,161,139).

45.   In regard to claims 10, 12, 22, 24, 33, 35, Underwood disclosed authentication of
a user. Underwood, column 2, line 15, lines 23-25, column 110, lines 13-48.
Underwood failed to disclose authentication by an IP address. Win disclosed using an
IP address to verify and authenticate a user. Win, column 8, lines 4-16. It would have
been obvious to one of ordinary skill in the art at the time of invention to authenticate a
computer using an IP address since IP addresses are commonly used in network
authentication and are unique.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey R. Swearingen whose telephone number is (571)272-3921. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Larry Donaghue can be reached on 571-272-3933. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jeffrey R. Swearingen
Examiner
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